

1 **Forest Venture II, LLC**
2 **(c/o Richard Talkin Esq.),**
3 **Petitioner**
4 **ZB 1084M**

* **PLANNING BOARD OF**
* **HOWARD COUNTY, MARYLAND**

* * * * *

3 **MOTION:** To recommend approval of the proposal to rezone 1.37 acres of land from the R-20
4 District to the B-1 District.

5 **ACTION:** *Recommended approval of Petition; Vote 3 to 0.*

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6 **RECOMMENDATION**

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8 On December 10, 2009, the Planning Board of Howard County, Maryland, considered the petition
9 of Forest Venture II, LLC (c/o Richard B. Talkin, Esq.) for a Zoning Map Amendment to rezone 1.37 acres
10 of land from the R-20 District to the B-1 District. The subject property is located on the south side of US 40
approximately 900 feet east of Centennial Lane/Bethany Lane.

11 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation
12 were presented to the Board for its consideration. The Department of Planning and Zoning recommended
13 that the Petitioner's request be approved.

14 The Petitioner was represented by Sang Oh, Esq. Lee Driscoll and Joseph Rutter appeared in
15 support of the petition. Angie Beltram, the representative for the Howard County Citizens Association
(HCCA) also testified about the petition.

16 Mr. Oh reviewed the justification for change and mistake noted in the petition. He said that
17 removing and converting the existing residential structures does constitute change. He stated that when
18 there is no assemblage of properties during Comprehensive Zoning, but an assemblage occurs after
Comprehensive Zoning, then a mistake was made during the Comprehensive Zoning process.

19 Lee Driscoll presented the Forest Green renderings for the site plan. He described the site plan with
20 residences on the upper floors of commercial buildings.

21 A board member asked Mr. Driscoll to address the comments from the Division of Comprehensive
22 and Community Planning (DCCP) regarding putting sidewalks along Route 40 and providing green space.
23 Mr. Driscoll responded that the rendering is a conceptual plan and the parking requirement is driving the
24 design and space available for site amenities. He said they could provide a green/gathering space under the
25 tower and if an agreement to reduce the parking requirement could be reached with the County, they could
26 provide increased site amenities. He said the site plan could be revisited as details emerge in the design
27 process and the site could be softened with more amenities at a later date.
28

1 **Testimony/Discussion:**

2 Ms. Beltram testified that Howard County should develop a Manual for Route 40 which would
3 specifically address and regulate the residential component of these properties.

4 One Board member asked Mr. Driscoll what the proposed unit mix is and said the advantage of site
5 assembly is evident because it brings cohesiveness and connectivity with surrounding commercial sites. Mr.
6 Driscoll said there would be 31 one and two-bedroom units. He said smaller units are becoming popular in
7 other areas and these residential units would most likely have single people without a lot of children living
8 in them.

9 Joseph Rutter stated that it would not be logical to provide sidewalks to the east of the site since it
10 would not connect with other sidewalks or sites. He said the amenities depicted in the conceptual
11 renderings were sufficient to meet the Route 40 Enhancement Study recommendations.

12 One Board member asked if there was a citizen group to study Route 40 and Ms. McLaughlin
13 responded that the citizen group identified areas for pedestrian access and connectivity. She said this area
14 was not studied for TNC zoning at Comprehensive Zoning.

15 Ms. Beltram added that the Route 40 Task Force of which she had been a member decided that
16 down zoning was not appropriate, but that consolidation of properties was discussed as important for Route
17 40. However, she said she believes the proposal is premature and that this type of development would be
18 addressed in the Route 40 Manual first. She said a goal of the Task Force was to protect the residential
19 communities behind Route 40 and she believes there should be a new kind of zoning similar to Route 1
20 designed for small parcels.

21 **Motion:**

22 David Grabowski made a motion to accept the Technical Staff Report. Paul Yelder seconded the
23 motion.

24 **Discussion:**

25 The Board agreed that a mistake had been made in not rezoning the property during
26 Comprehensive Zoning since the site is unusable and unbuildable for R-20 residential development. The
27 mistake was in not envisioning that the property would be consolidated with adjacent commercial
28 properties. There is no finding of change in the character of the neighborhood; but the Board agreed with
the Petitioner's neighborhood boundary because the site's topography isolates it from adjacent residential
properties. The Board found that based on existing surrounding commercial uses, there is a strong enough
case to rezone the property to B-1, and there is a strong enough buffer to adjacent residential properties.
The Board disagreed with the comments of the DCCP, and believed the project meets the Route 40
Enhancement Study objectives. The Board highlighted the need for rapid action on the Route 40 Manual or
an update of the General Plan to address the pending Rt. 40 changes..

Vote:

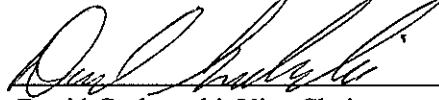
The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 4th day of ~~January~~ February, 2010, recommends that Zoning Board Case No. ZB 1084M, as described above, be APPROVED.

HOWARD COUNTY PLANNING BOARD



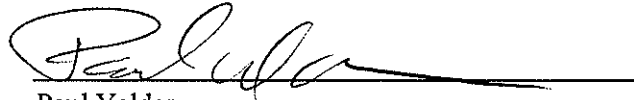
Linda A. Dombrowski, Chairperson



David Grabowski, Vice Chairperson

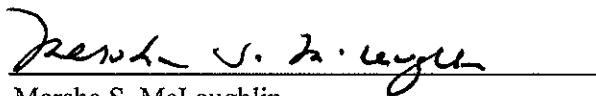
ABSENT

Tammy J. CitaraManis



Paul Yelder

ATTEST:



Marsha S. McLaughlin
Executive Secretary